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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,645	08/07/2001	Henry E. Argasinski	9685-000001	1142

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EXAMINER

BARQADLE, YASIN M

ART UNIT PAPER NUMBER

2153

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/923,645	Applicant(s) ARGASINSKI, HENRY E.	
	Examiner Yasin M. Barqadle	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1, 10, 14 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9, 11-13, 15-17 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's arguments filed on February 09, 2006 have been considered and are not deemed persuasive.

- Claims 18-20 have been cancelled.
- New independent claims 21-23 have been added.
- Claims 2-9, 11-13, 15-17, and 21-23 are presented for examination.

2. The previous objection to the specification has been withdrawn and the amendment filed on August 08, 2005 is entered.

Response to Amendment

3. Applicant argues in page 8, last paragraph, that "the utility application includes new matter not disclosed in the provisional application, applicant predates the new matter not disclosed in the provisional application." Examiner respectfully disagrees with applicant's assessment of the provisional application. Examiner maintains that the provisional application includes navigating an image and moving it sideways or up and down or any combination thereof, and zooming. It also includes clicking on the image and holding down either the left or right mouse button will alter the camera's perspective and create the

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appearance of movement. Furthermore, the provisional application teaches, " The invention is a localized, city-by-city navigation system that uses digital imagery and sound to recreate in exacting detail a virtual reality simulacrum of each real world city. In the preferred embodiments of the invention, every Virtuacity will be a digital replica of a real-world city, painstakingly reproduced onto the Internet for everyone-both in that community and around the world- to explore, browse, and mingle in." page 1, first paragraph. See also fig. 1 and 2. Therefore, the Examiner maintains that the Declaration received on January 24, 2005 under 37 CFR 1.131 is ineffective to overcome the Ferreira reference (US. Pat. PUB. No. 2001/0034661) since the effective date of Ferreira is February 14, 2000 according to the provisional application No. 60/182282.

Applicant argues the limitations of claim 21-23 is not taught by provisional Application of Ferreira and points out the functions of the camera as being different than the claimed invention.

Examiner as show in the rejection below notes that Ferreira invention as a whole teaches the limitations found in claims 21-23. The functions of the camera are one of the tools used by invention in navigating the images. In addition to Ferreira US PUB No. (20010034661), the provisional application teaches, " The invention is a localized, city-by-city navigation system

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that uses digital imagery and sound to recreate in exacting detail a virtual reality simulacrum of each real world city. In the preferred embodiments of the invention, every Virtuacity will be a digital replica of a real-world city, pain-stakingly reproduced onto the Internet for everyone-both in that community and around the world- to explore, browse, and mingle in." page 1, first paragraph. See also fig. 1 and 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-9, 11-13 and 15-17 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferreira US PUB No. (20010034661).

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As per claim 21, Ferreira teaches a method comprising:

Transposing an actual image of group of adjacent storefront along a city block as a navigable image within an internet site (user-navigable digitized image of actual location is provided to a user ¶14-15, see figs. 4-5);

allowing a user to scroll a point of view of said navigable image left or right within said internet site by moving said point of view of said navigable image in a direction along said city block while maintaining said point of view directed toward said group of adjacent storefronts (a user interface may be provided by the virtual city application of the present invention. a user interface including a user-navigable virtual representation of an actual location, such as a city is provided. The virtual representation may take the form of digitized images of the actual location that may be spliced together to allow navigation. For example, a user may navigate from one adjacent city block to another by selecting a horizon or any other suitable element of the display, such as icons. Upon selection of a storefront, the user may be directed to a virtual representation of the interior of the store in which the user may navigate and view actual items for sale as though he or she were in a real store ¶ 0014-0015; ¶ 0071-0075 and ¶ 0101-0102, see figs. 4-5]; and

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providing customer selectable links within said navigable image [selected links provide more information on the item of interest ¶15-16 and ¶ 0057-0058].

As per claims 22 and 23, Ferreira teaches a method, comprising:

scrolling images of an actual location as navigable image on a website (¶ 0014-0015; ¶ 0056-0058 and ¶ 0101-0102, see figs. 4-5); navigating said navigable image in a left or right manner by communication commands from a remote computer to a server hosting said website (users 122 access data server 114 through network 120 ¶50. See fig. 2; ¶0071-0072 and ¶ 0101-0102) that moves a point of view of said navigable image in a direction along actual store window displays while maintaining said point of view directed toward said actual store window displays to give a viewer an impression of walking down a street or strolling through a mall while viewing said actual store window displays (a user interface may be provided by the virtual city application of the present invention. A user interface including a user-navigable virtual representation of an actual location, such as a city is provided. The virtual representation may take the form of digitized images of the actual location that may be spliced together to allow navigation. For example, a user may navigate from one adjacent city block to another by

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selecting a horizon or any other suitable element of the display, such as icons. Upon selection of a storefront, the user may be directed to a virtual representation of the interior of the store in which the user may navigate and view actual items for sale as though he or she were in a real store ¶ 0014-0015; ¶ 0071-0075 and ¶ 0101-0102, see figs. 4-5].

As per claim 2, Ferreira teaches the method of claim 21, further comprising the steps of:

transposing an actual image of a interior of a particular retailer of said group of adjacent storefronts as an alternative navigable image within said internet site [user-navigable digitized image of actual location is provided to a user ¶14-15 and ¶56-58, see fig. 4]; and

providing customer selectable links within said alternative navigable image for providing detailed information of a said particular retailer [¶14-15 and ¶56-58, see figs. 4-5].

As per claim 3, Ferreira teaches the method of claim 21, further comprising the steps of:

providing retailer information to a remote customer of claim navigable image for providing detailed information of particular goods of a particular retailer [¶56-58, see fig. 4].

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As per claim 4, Ferreira teaches the method of claim 1, further comprising the steps of:

providing customer selectable links within said alternative navigable image for providing detailed information of particular goods of said particular retailer [¶56-57, see fig. 4].

As per claim 5, Ferreira teaches the method of claim 21, further comprising the steps of:

wherein said group of adjacent storefronts is a downtown area of a community [¶56-58, see fig. 4].

As per claim 6, Ferreira teaches the method of claim 21, further comprising the steps of:

wherein said group of adjacent storefronts is a shopping center [¶56-58, see fig. 4].

As per claim 7, Ferreira teaches the method of claim 21, further comprising the steps of:

wherein said group of adjacent storefronts is a strip mall [¶56-58, see fig. 4].

As per claim 8, Ferreira teaches the method of claim 21, further comprising the steps of:

providing purchasing interface whereby the remote customer may arrange for remote purchase of one of goods and services [¶45 and ¶56].

As per claim 9, Ferreira teaches the method of claim 2, further comprising providing a customer perspective of said alternative navigable image and allowing a customer to virtually walk through said interior of said particular retailer of said retail environment (see figs. 4-5 and 16. ¶ 0014-0015; ¶ 0071-0075; ¶093 and 0101-0102).

As per claim 11 and 15, Ferreira teaches the invention, further comprising transposing actual images of said at least one storefront of said retail environment as said navigable image [user-navigable digitized image of actual location is provided to a user ¶ 0014-0015; ¶ 0071-0075; ¶093 and 0101-0102].

As per claim 12-13 and 16-17, Ferreira teaches the invention, wherein said links provide detail information for goods, services or a business including purchase for goods or services [¶45 and ¶56].

Conclusion

1. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

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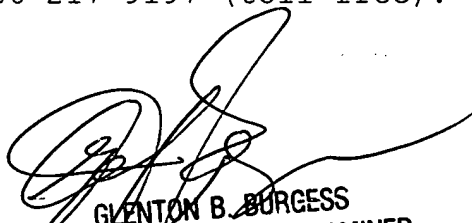
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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